

**ORDINANCE NO. 09-65**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS", ARTICLE III. REGULATIONS, DIVISION 1. GENERALLY, OF THE CODE OF ORDINANCES BY REVISING HIALEAH CODE § 74-147. REQUIRED SIGNS, TO PROVIDE REGULATIONS RELATING TO SIGNS IDENTIFYING STATE LICENSED FAMILY DAY CARE HOMES AND LARGE FAMILY CHILD CARE HOMES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of August 12, 2009 recommended approval of this ordinance; and

**WHEREAS**, the general purpose and intent of this ordinance is for the health, safety, welfare, aesthetics, order, and proper regulation and administration of the City of Hialeah and its residents; and

**WHEREAS**, the specific purpose and intent of this ordinance is to provide sign regulations for state license family day care homes and large family child care homes so that the home located in a residential zoned district can be easily located for purpose of police protection, fire rescue and fire safety.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 74 entitled "Signs", Article III., Regulations, Division 1. Generally, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 74-147 entitled "Required signs", to read as follows:

Chapter 74

**SIGNS**

\* \* \*

### ARTICLE III. REGULATIONS.

#### DIVISION 1. GENERALLY.

\* \* \*

#### **Sec. 74-147. Required signs.**

Required signs shall be as follows:

(1) Safety signs, safety markings prescribed by fire authorities.

(2) House or building numbers as follows:

\* \* \*

e. All assisted living facilities with 15 or more residents must identify the facility with lettering "ALF" at least six inches, but not more than ten inches in height adjacent to the address identification. All community residential homes housing 14 or fewer residents must identify the facility with lettering "CRH" at least six inches but not more than ten inches in height adjacent to the address identification. All residential care and treatment facilities must identify the facility with lettering "RCTF" at least six inches but not more than ten inches in height adjacent to the address identification. These identification signs must be easily visible from the street or property line facing the front of the building. If the residential buildings are located in residential areas or zoning districts, the type of signs is limited to an affixed wall or façade sign with the required lettering for identification and no other information that would constitute advertising or promotion.

f. All family day care homes licensed or registered with the state department of children and family services located in residential zoning districts must identify the facility with an affixed wall or façade sign with lettering "FDCH" at least six inches, but not more

than ten inches in height, adjacent to the address identification if possible. All large child care homes licensed or registered with the state department of children and family services located in residential zoning districts must identify the facility with an affixed wall or façade sign with lettering "FCCH" at least six inches, but not more than ten inches in height, adjacent to the address identification if possible. These identification signs must be easily visible from the street or property line facing the front of the building. No other information or signage that would constitute advertising or promotion, including, but not limited to, murals, flags, banners and decorations, shall be allowed.

\* \* \*

**Section 2:    Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3:    Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4:    Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections

of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

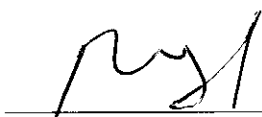
PASSED AND ADOPTED this 8th day of September, 2009.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

Attest:

Approved on this 10<sup>th</sup> day of September, 2009.

  
Rafael E. Granado, City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Hernandez, Yedra voting "Yes" and Councilmember Gonzalez absent.